

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WAYNE COVER,

Plaintiff,

-against-

AMERICAN POSTAL WORKERS UNION, AFL-CIO,
And JOHN E. POTTER, POSTMASTER GENERAL,

Defendants.

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ECF Case

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Case No. 05-CV-2430 (LMS)

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NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law and the Declarations of Frank Fanelli and Louise Yannuzzi, and the exhibits annexed thereto, and all the pleadings and proceedings had herein, Defendant American Postal Workers Union, AFL-CIO, will move this Court before the Honorable Magistrate Judge Lisa Margaret Smith, U.S.M.J., in the United States District Court for the Southern District of New York, 300 Quarropas Street, White Plains, New York on a date and time to be directed by the Court, for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, or alternatively, pursuant to Rule 56 of the Federal Rules of Civil Procedure, granting Defendant's motion for dismissal of the Complaint, and awarding Defendant further relief as the Court may deem just and proper.

Date: New York, New York
May 9, 2005

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